

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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|--------------------------------|---|---------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Case No. CR-10-11-D |
| |) | |
| WALLACE LAVERNE LAWRENCE, III, |) | |
| |) | |
| Defendant. |) | |

ORDER

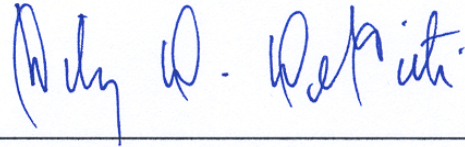
Before the Court is Defendant Wallace Laverne Lawrence, III's Motion in Limine as to Statements or Evidence of Pending Case in District Court of Oklahoma County [Doc. No. 118]. Mr. Lawrence seeks to exclude from the trial of this matter, pursuant to Fed. R. Evid. 404(b), all evidence of and references to a pending state court criminal case in which he and a codefendant in this case, Sandra Acuna, are charged with drug trafficking. The government has responded to the Motion by stating it has no intention of mentioning the drug trafficking charges but it does intend for Ms. Acuna to testify generally that a motive for the alleged offenses of fraud and identity theft charged in this case was the legal bills incurred in the state court case. The government proposes that Ms. Acuna be permitted to testify about "legal bills" without mentioning the matter for which they were incurred and that a proposed exhibit, which is a bill from an attorney in the criminal case, be redacted to omit a reference to "State of Oklahoma v. Wallace Lawrence III."

The Court agrees with the government that testimony of Ms. Acuna regarding a motive for the charged offenses is relevant and that the government's proposed means of presenting that testimony avoids any Rule 404(b) issue. If jurors are not informed of the nature of the legal matter for which Mr. Lawrence hired an attorney and incurred legal expenses, then no evidence of other

crimes, wrongs, or acts is presented. Therefore, Mr. Lawrence's Motion will be granted to the extent that all references to the state criminal case will be prohibited, except that the government may present evidence regarding the legal bill Mr. Lawrence incurred in the case without disclosing the nature of the legal matter.

IT IS THEREFORE ORDERED that Defendant Lawrence's Motion in Limine as to Statements or Evidence of Pending Case [Doc. No. 118] is granted as set forth herein.

IT IS SO ORDERED this 7th day of May, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE